

petition you to use every honorable effort to gain the passage of the 2-cent rate bill. The messages you are receiving are induced by corporate influence when they ask you to vote against this measure.

Numerously signed.

By Senator Greer:

Hon. W. J. Greer, Senator, Austin, Texas.

Dear Sir: We notice in the Dallas News of April 23 that the 2-cent passenger rate bill is again before the Legislature for consideration.

We sincerely hope you will use your influence to defeat this measure, realizing that this is an inopportune time to make a reduction in the passenger fares locally within the State which we feel the Texas railroad can not stand, and which would result in deterioration of the railway service and accommodation.

The people generally are not asking for a passenger rate reduction, but they are demanding of the Texas railroads better service, and that they increase their facilities for handling the commerce of this great State. We realize that if the revenues of the railroads are reduced in the manner proposed by this bill that it will curtail new railroad construction within the State, which we are very much opposed to.

We sincerely hope you will use your best efforts to defeat the proposed legislation.

Numerously signed.

Senator Skinner presented the following memorial, numerously signed by citizens from Itasca, Hillsboro and Abbott, Hill county:

We, the undersigned citizens of Hill county, Texas, hereby petition our representatives in the House and Senate to vote against and oppose, by all honorable means, the proposition now pending before the Legislature touching the reduction of railway passenger fare in this State, believing, as we do, that such action at this time would prevent a reduction of freight tariffs, which is desired by the people at this time; believing, as we do, that the principle of doing that which would be the greatest good to the greatest number is the thing most desired at this time.

Senator Griggs here presented to the Senate petitions protesting against the passage of the 2-cent passenger fare bill, said petition being signed by some 5000 citizens residing in his district.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas,
Monday, May 6, 1907.

The Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Harper.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Masterson.	

Absent.

Alexander. Holsey.
Harbison.

Absent—Excused.

Looney.

Prayer by the Rev. Dr. Briggs of Austin.

Pending the reading of the Journal of Friday, on motion of Senator Harper, the same was dispensed with.

(See Appendix for committee reports and petitions.)

SPECIAL COMMITTEE REPORT.

See Appendix for report of Special Joint Committee, appointed by the Twenty-ninth Legislature, anent the Pan-American College of Commerce.

BILLS AND RESOLUTIONS.

By Senator Senter:

Senate bill No. 58, A bill to be entitled "An Act to create a Judiciary Commission to prepare and submit to the Thirty-first Texas Legislature drafts of constitutional amendments and bills and measures for the improvements of the judiciary system and court procedure of Texas."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

SENATE BILL NO. 48.

On motion of Senator Faust, the pending order of business (Senate bill No.

18), was suspended, and the Senate took up, out of its order, Senate bill No. 48.

The Chair laid before the Senate, on second reading,

Senate bill No. 48, A bill to be entitled "An Act to amend Article 1092, Chapter 2, Title XV, of the Code of Criminal Procedure of the State of Texas, relating to fees of county and district attorneys in examining trials."

The committee report, which provided that the bill be not printed, was, on motion of Senator Faust, adopted.

Senator Cunningham offered the following amendment:

Amend the bill by striking out after the word "court," in line 29, down to and including the word "wise," in line 31, Section 4.

On motion of Senator Faust, the motion was tabled by the following vote:

Yeas—21.

Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Faust.	Senter.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Veale.
Harper.	Watson.
Kellie.	Willacy.
Masterson.	

Nays—5.

Cunningham.	Paulus.
Glasscock.	Terrell.
Hudspeth.	

Absent.

Alexander.	Holsey.
Harbison.	Skinner.

Absent—Excused.

Looney.

Senator Terrell offered the following amendment:

"Amend the bill by striking out the enacting clause."

Laid on the table subject to call.

Senator Glasscock offered the following amendment:

Amend by inserting the word "shall" after the word "witness," in line 30, Section 4, page 1.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 67, A bill to be entitled "An Act to amend Sections 5 and 6 of Chapter 103, passed by the Regular Session of the Twenty-ninth Legislature, and approved April 15, 1905, relating to the sale and lease of the land belonging to the public free school and asylum funds, and to add thereto Sections 6a, 6b, 6c, 6d, 6e, 6f and 6g, relating to the sale, settlement and residence on land, sales without residence, sale of timber, sales for cash or on time, transfers, forfeitures, reservation of minerals, guayule, lechuguilla and sotol, and providing a penalty for cutting or removing such substances from the land, certificates of occupancy to become muniments of title, authorizing the Commissioner to adopt rules and regulations necessary to execute the provisions of this act, repealing all laws in conflict with this act, and declaring an emergency."

House refuses to concur in Senate amendments to House bill No. 10, and requests the appointment of a Conference Committee. The following have been appointed on the part of the House: Messrs. Kennedy, Beaty, Terrell of McLennan, Mobley and Camp.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 67, to Committee on Public Lands and Land Office.

CONFERENCE COMMITTEE APPOINTED.

In accordance with the request of the House, the Chair here appointed the following Conference Committee on House bill No. 10: Senators Willacy, Green, Skinner, Masterson and Brachfield.

EXECUTIVE SESSION.

The Chair here announced that the hour, 11 o'clock a. m., had arrived, which time had been previously designated by the Senate to hold executive session for the purpose of considering the appointment sent to the Senate by the Governor on Friday.

In executive session the following confirmation was made:

Hon. N. A. Cravens to be State Pur-

chasing Agent, to fill vacancy of Hon. B. B. Cannon, resigned.

IN THE SENATE.

SENATE BILL NO. 48.

Action recurred on Senate bill No. 48. (Senator Senter in the chair.)

Senator Green moved the previous question on the pending amendments and the bill, the motion being duly seconded, was so ordered.

The amendment by Senator Glasscock was adopted.

Action then recurred on the amendment by Senator Terrell to strike out the enacting clause, and the same was lost by the following vote:

Yeas—5.

Barrett.	Stokes.
Cunningham.	Terrell.
Masterson.	

Nays—19.

Brachfield.	Kellie.
Chambers.	Mayfield.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Stone.
Grinnan.	Veale.
Harper.	Watson.
Hudspeth.	

Absent.

Alexander.	Meachum.
Harbison.	Smith.
Holsey.	Willacy.

Absent—Excused.

Looney.

The bill was read second time, and ordered engrossed by the following vote:

Yeas—19.

Brachfield.	Kellie.
Chambers.	Mayfield.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Stone.
Grinnan.	Veale.
Harper.	Watson.
Hudspeth.	

Nays—5.

Barrett.	Stokes.
Cunningham.	Terrell.
Masterson.	

Absent.

Alexander.	Meachum.
Harbison.	Smith.
Holsey.	Willacy.

Absent—Excused.

Looney.

On motion of Senator Faust, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Harper.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Alexander.	Meachum.
Harbison.	Smith.
Holsey.	

Absent—Excused.

Looney.

Present—Not Voting.

Cunningham.

The bill was read third time, and passed by the following vote:

Yeas—20.

Brachfield.	Kellie.
Chambers.	Mayfield.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Smith.
Griggs.	Stone.
Grinnan.	Veale.
Harper.	Watson.
Hudspeth.	Willacy.

Nays—4.

Barrett.	Stokes.
Masterson.	Terrell.

Absent.

Alexander.	Meachum.
Harbison.	Skinner.
Holsey.	

Absent—Excused.

Looney.

Present—Not Voting.

Cunningham.

Senator Faust moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, May 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 56, A bill to be entitled "An Act to amend Article 639 of Chapter 7, Title XV, of the Penal Code of the State of Texas, in reference to the punishment for rape, providing who shall perform castration, and fixing a fee therefor, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 56, to Judiciary Committee No. 2.

SENATE BILL NO. 18.

Senator Glasscock moved that the pending order of business (Senate bill No. 18) be suspended, and the Senate take up, out of its order, Senate bill No. 52.

The motion was lost by the following vote:

Yeas—8.

Glasscock.	Kellie.
Greer.	Masterson.
Griggs.	Murray.
Grinnan.	Paulus.

Nays—16.

Barrett.	Senter.
Brachfield.	Skinner.
Chambers.	Smith.
Cunningham.	Stokes.
Faust.	Stone.
Green.	Terrell.
Harper.	Veale.
Mayfield.	Watson.

Absent.

Alexander.	Hudspeth.
Harbison.	Meachum.
Holsey.	Willacy.

Absent—Excused.

Looney.

(Lieutenant Governor Davidson in the chair.)

The Chair laid before the Senate, on second reading and pending business,

Senate bill No. 18, A bill to be entitled "An Act to authorize the district courts to employ a stenographer, to provide compensation therefor, and to repeal Chapter 112, page 209, General Laws of the Twenty-ninth Legislature, passed at its Regular Session, and with an emergency clause."

The pending question on this bill was the substitute bill offered by Senator Chambers (see Journal of April 25 for the substitute bill).

Senator Skinner offered Senate bill No. 23 as a substitute bill for Senate bill No. 18 and the pending substitute, Senate bill No. 30, offered by Senator Chambers (see Journal of April 25 for the (Skinner) substitute, which was printed in the Journal by order of the Senate, and will not be reprinted here).

RECESS.

On motion of Senator Green, the Senate, at 12 o'clock, recessed until 3:30 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas.

Austin, Texas, May 6, 1907.

To the Senate:

The advice and consent of the Senate is requested to the appointment of the following persons as commissioners of the city of Corsicana, Texas:

C. H. Allyn, S. A. Pace, J. H. Woods.
T. M. CAMPBELL.

Governor.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas.

Austin, Texas, May 6, 1907.

To the Legislature:

Pursuant to Section 40, Article 3, of

the Constitution of the State of Texas, and by virtue of the authority vested in me by that section of the Constitution, I respectfully present for your consideration and for legislation the following subjects:

1. The subject of amending an act of the Thirtieth Legislature of Texas, Regular Session, approved April 25, 1907, entitled "An Act to amend Chapter XCIV, page 119, of the Acts of the Twenty-eighth Legislature, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict herewith, by adding to said law Section 18, concerning punishment for violation thereof, Section 19 with reference to venue, Section 20 with reference to the duties of district and county attorneys and the Attorney General, and Section 21, concerning fees, and declaring an emergency,' by adding to said Chapter XCIV, page 119, of the Acts of the Twenty-eighth Legislature, Sections 19, 20, 21 and 22; said Section 19 defining, prohibiting and declaring illegal trusts, monopolies and conspiracies in restraint of trade, providing criminal prosecutions therefor, and fixing the punishment and penalties for violations of said chapter and of said act; Section 20 fixing venue for criminal prosecutions, and providing that such prosecutions shall not bar a prosecution of or recovery against any other person or persons for the same offense; Section 21 defining the powers and prescribing the duties of county and district attorneys of this State, and of the Attorney General, under this act; Section 22 fixing the fees of the county and district attorneys for prosecutions under this act, and apportioning such fees between such county and district attorneys, and providing that this act shall not repeal said Chapter XCIV, Acts of the Twenty-eighth Legislature of Texas, and that this act shall be cumulative thereof, and declaring an emergency."

This legislation is made necessary by an error in the enrollment of the bill.

2. The subject of amending Section 1 of an Act of the Regular Session of the Thirtieth Legislature of the State of Texas, known as House bill No. 275, entitled "An Act creating the Christoval

Independent School District, in Tom Green county, Texas."

This subject is presented to you for consideration and for legislation on account of an error in the metes and bounds of said school district, which was created and established by the law above referred to.

3. The subject of amending Sections 2, 3 and 4 of an act passed by the Thirtieth Legislature of the State of Texas, Regular Session, and approved April 30, 1907, entitled "An Act to amend an act entitled an act to amend an act to amend an act entitled an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 24, 1885; to create the Forty-third Judicial District of the State of Texas; fix the times for holding court therein and to provide for the appointment of a district judge for said district, approved March 30, 1887; to create the Forty-eighth Judicial District of the State of Texas, fix the time for holding court therein, and to fix the times for holding court in the Seventeenth Judicial District of the State of Texas, and to provide for the appointment of a district judge of the said Forty-eighth Judicial District, passed by the Twenty-second Legislature of the State of Texas, approved February 6, 1891, and being Chapter 3 of the General Laws of Texas of 1891, and to create the Sixty-seventh Judicial District of the State of Texas, fix the times for holding the district courts in Tarrant county, Texas, and to define the jurisdiction thereof, and to provide for the venue of causes in said courts, and to provide for the appointment of a district judge for the Sixty-seventh Judicial District of Texas, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

It only being intended to present the subject of amending the bill in so far as the same fixes the times for holding court and the terms of court for the Forty-eighth, Seventeenth and Sixty-seventh Judicial Districts in Tarrant county, Texas.

4. I present for your consideration and for legislation the subject of authorizing and empowering the city of Galveston, Texas, to convey to the

United States of America a certain area or tract of land in Galveston Bay for an immigration station and for other governmental purposes, and to cede to the said United States of America jurisdiction over the same.

5. The subject of incorporating Seagoville Independent School District in Dallas and Kaufman counties, and to provide for the election of trustees, raising revenue by taxation, issuing bonds and maintaining public free schools therein.

6. The subject of legislation to incorporate the Merit School District in Hunt county into an independent school district, and to provide for the election of trustees, raising revenue by taxation, issuing bonds and maintaining public free schools therein.

7. The subject of legislation for the recovery by the State of Texas by suit or otherwise of any and all lands within this State belonging to the State of Texas, claimed or held by or in possession of any person, firm, corporation or association of persons, adversely to the State of Texas, and the determination by suit or suits of the exact location and proper bounds of any and all lands belonging to the State where the evidence on file in the General Land Office does not sufficiently identify, disclose and fix such location and bounds, or whenever, in the judgment of the Attorney General, a suit or suits necessary to establish, disclose and fix the location and proper bounds of any and all such land.

8. The subject of legislation to amend Sections 2 and 3 of an act passed by the Thirtieth Legislature, entitled "An Act to authorize, enable and permit the territory within the boundaries of the town of Estelline in Hall county, Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the Estelline Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency."

This legislation is necessary to correct an error in the metes and bounds of said school district and other errors in said act, amendments to which are here respectfully suggested.

9. The subject of legislation to incorporate Bartlett School District in Bell county, Texas, into an independent school district, and to provide for the election of trustees, raising revenue by

taxation, issuing of bonds and maintaining public free schools therein.

T. M. CAMPBELL,
Governor.

BILLS AND RESOLUTIONS.

(By unanimous consent.)

By Senator Watson:

Senate bill No. 59, A bill to be entitled "An Act to amend Sections 2, 3 and 4 of an act passed by the Thirtieth Legislature of the State of Texas, and approved April 30, A. D. 1907, entitled 'An Act to amend an act entitled an act to amend Section 1 of an act entitled an act to amend an act to amend an act entitled an act to redistrict the State into judicial districts and fix the time for holding court therein and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 24, 1885, to create the Forty-third Judicial District of the State of Texas; fix the times of holding court therein and to provide for the appointment of a district judge for said district, approved March 30, 1887; to create the Forty-eighth Judicial District of the State of Texas, fix the times for holding court therein, and to fix the time for holding court in the Seventeenth Judicial District of the State of Texas, and to provide for the appointment of a district judge of the said Forty-eighth Judicial District, passed by the Twenty-second Legislature of the State of Texas, approved February 6, 1891, and being Chapter 3 of the General Laws of Texas of 1891, and to create the Sixty-seventh Judicial District of the State of Texas, fix the times for holding the district courts in Tarrant county, Texas, and to define the jurisdiction thereof and to provide for the venue of causes in said court and to provide for the appointment of a district judge for the Sixty-seventh Judicial District of Texas, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

By Senator Terrell:

Senate Bill No. 60, A bill to be entitled "An Act to amend an act of the Thirtieth Legislature of Texas, Regular Session, approved April 25, 1907, entitled 'An Act to amend Chapter XCIV, page 119, of the Acts of the Twenty-

eighth Legislature, entitled "An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict herewith, by adding to said law Section 18, concerning punishment for violation thereof; Section 19, with reference to venue; Section 20, with reference to the duties of district and county attorneys and the Attorney General, and Section 21, concerning fees, and declaring an emergency," by adding to said Chapter XCIV, page 119 of the Acts of the Twenty-eighth Legislature, Sections 19, 20, 21 and 22; said Section 19 defining, prohibiting and declaring illegal trusts, monopolies and conspiracies in restraint of trade, providing criminal prosecutions therefor, and fixing the punishment and penalties for violations of said Chapter, and of this act, Section 20 fixing venue for criminal prosecutions and providing that such prosecutions shall not bar a prosecution of or recovery against any other person or persons for the same offense; Section 21 defining the powers and prescribing the duties of county and district attorneys of this State, and of the Attorney General, under this act; and Section 22, fixing the fees of the county and district attorneys for prosecutions under this act, and apportioning such fees between such county and district attorneys, and providing that this act shall not repeal said Chapter XCIV, Acts of the Twenty-eighth Legislature of Texas, and that this Act shall be cumulative thereof; and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Veale:

Senate bill No. 61, A bill to be entitled "An Act to amend Sections 2 and 3, of an act passed by the Regular Session of the Thirtieth Legislature, entitled 'An Act to authorize, enable and permit the territory within the boundaries of the town of Estelline, in Hall county, Texas, and other lands and territory adjacent thereto to incorporate as an independent school district for free school purposes only, to be known as Estelline Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for

free school purposes only, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Willacy:

Senate bill No. 62, A bill to be entitled "An Act appropriating the sum of \$7000, or so much thereof as may be necessary, to pay the mileage and per diem of members and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senator Willacy:

Senate Concurrent Resolution No. 2, Be it resolved by the Senate, the House of Representatives concurring, That the Comptroller be and is hereby authorized to draw warrants to pay the balance due and to become due to members, officers and employes of the Regular Session of the Thirtieth Legislature out of the appropriation made to pay the per diem pay of members and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature, and declaring an emergency."

Read first time, and referred to Finance Committee.

The Senate here stood at ease for ten minutes, for reason that a quorum was not present on account of a meeting of the Finance Committee.

SENATE BILL NO. 59.

The Senate was again called to order by Lieutenant Governor Davidson.

On motion of Senator Watson, the pending order of business (Senate bill No. 18) was suspended, and the Senate took up, out of its order, Senate bill No. 59, introduced today.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—23.

Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Stokes.
Harper.	Stone.
Kellie.	Terrell.

Veale.
Watson.

Willacy.
Absent.

Alexander.
Barrett.
Grinnan.
Harbison.

Holsey.
Hudspeth.
Smith.

Absent—Excused.

Looney.

The Chair laid before the Senate, on second reading, Senate bill No. 59 (see caption under head of "Bills and Resolutions," after recess).

On motion of Senator Watson, the Senate rule requiring bills to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

On motion of Senator Watson, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Brachfield.	Meachum.
Chambers.	Paulus.
Cunningham.	Senter.
Faust.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Harper.	Terrell.
Kellie.	Veale.
Masterson.	Watson.
Mayfield.	Willacy.

Absent.

Alexander.	Harbison.
Barrett.	Holsey.
Glasscock.	Hudspeth.
Grinnan.	Murray.

Absent—Excused.

Looney.

The bill was read third time, and passed by the following vote:

Yeas—24.

Brachfield.	Greer.
Chambers.	Griggs.
Cunningham.	Harper.
Faust.	Kellie.
Glasscock.	Masterson.
Green.	Mayfield.

Meachum.	Stokes.
Murray.	Stone.
Paulus.	Terrell.
Senter.	Veale.
Skinner.	Watson.
Smith.	Willacy.

Absent.

Alexander.	Harbison.
Barrett.	Holsey.
Grinnan.	Hudspeth.

Absent—Excused.

Looney.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 18.

Action recurred on Senate bill No. 18, the question being on the substitute by Senator Skinner for the substitute by Senator Chambers and the original bill.

The (Skinner) substitute was lost by the following vote:

Yeas—7.

Barrett.	Masterson.
Faust.	Meachum.
Green.	Skinner.
Griggs.	

Nays—19.

Brachfield.	Paulus.
Chambers.	Senter.
Cunningham.	Smith.
Glasscock.	Stokes.
Greer.	Stone.
Grinnan.	Terrell.
Harper.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Mayfield.	

Absent.

Alexander.	Holsey.
Harbison.	Murray.

Absent—Excused.

Looney.

Action then recurred on the substitute by Senator Chambers, and the same was adopted by the following vote:

Yeas—18.

Barrett.	Green.
Brachfield.	Grinnan.
Chambers.	Hudspeth.
Cunningham.	Kellie.
Faust.	Masterson.
Glasscock.	Mayfield.

Skinner.	Veale.
Stokes.	Watson.
Terrell.	Willacy.

Nays—8.

Greer.	Paulus.
Griggs.	Senter.
Harper.	Smith.
Meachum.	Stone.

Absent.

Alexander.	Holsey.
Harbison.	Murray.

Absent—Excused.

Looney.

Senator Veale offered the following amendment, which was adopted:

Amend the bill by adding after the last word in Section 8 of the bill, page 5, the following: "Provided, that if any court stenographer appointed under this act shall fail, refuse or neglect to incorporate in the transcript provided for in this act any material evidence adduced on the trial of any cause reported by him, he shall not receive any sum whatever for his services in making up such transcript from his notes, the question as to whether he so failed, refused or neglected to be submitted to the trial judge for his decision."

Senator Stone offered the following amendment, which was adopted:

Amend the bill by striking out all after the first "the," in line 4, up to and including the word "Texas," in line 6, page 6, and insert in lieu thereof the following: "County treasurer of such county to be by such officer placed to the credit of the general fund of such county."

Amend the bill further by striking out the word "resides," in line 8, page 6, and insert in lieu thereof the following: "Performs such service."

Senator Stone offered the following amendment, which was adopted:

Amend the bill by striking out the words "State of Texas," in line 25, page 2, and insert in lieu thereof the following: "County in which the service is performed."

Senator Meachum offered the following amendment:

Amend the bill by striking out Section 5 thereof, and insert in lieu thereof the following: "In case an appeal is taken from the judgment rendered in such cause, either party may make out a condensed statement of all the material facts given in evidence on the trial, and

submit the same to the opposite party or his attorney for inspection; if the parties or their attorneys agree upon such statement of facts, they shall sign the same, and it shall then be submitted to the judge, who shall, if he find it correct, approve and sign it, and the same shall be filed with the clerk as the statement of facts on such appeal in such cause. If the parties, or their attorneys, to such cause shall fail to agree upon such statement of facts, then the same shall be prepared by such stenographer under the direction of the court, who upon approving same shall order such statement of facts filed as the statement of facts on appeal in such cause."

(President Pro Tem. Barrett in the chair.)

Senator Skinner offered the following substitute for the amendment:

Amend the bill by striking out Section 5 and insert in lieu thereof the following:

"Sec. 5. In case an appeal is taken from any judgment rendered in any civil cause, either party may make out a condensed statement of all the facts adduced on the trial of the cause and submit the same to the opposite party or his attorney for inspection. If the parties or their attorneys agree upon such statement of facts, they shall sign the same, and it shall then be submitted to the judge, and if he approves it, it shall be filed as a part of the record in the cause; if the parties can not agree upon a statement of facts in any cause, each party or his attorney shall make out a condensed statement of the facts, and submit each statement to the court and the court shall make out a statement of facts, the judge of the court may, and at the request of either of the attorneys shall call the stenographer and require him to read from his stenographic notes the testimony upon which they have disagreed, and from this testimony so read the judge shall decide the matter and cause a correct statement to be filed; provided, the notes of the stenographer shall be conclusive of what any witness may have testified in such cause.

(Signed) HARPER,
SKINNER.

Senator Meachum offered the following amendment to the substitute:

Amend the substitute by striking out the last lines thereof, beginning with the word "provided."

Senator Chambers moved to table the

amendment to the substitute, the substitute and the amendment.

Senator Meachum called for a division of the question, which was granted.

Action recurred on the motion to table the amendment to the substitute, which motion to table was adopted by the following vote:

Yeas—14.

Barrett.	Grinnan.
Brachfield.	Hudspeth.
Chambers.	Kellie.
Cunningham.	Mayfield.
Faust.	Stokes.
Glasscock.	Terrell.
Griggs.	Veale.

Nays—12.

Green.	Paulus.
Greer.	Senter.
Harper.	Skinner.
Masterson.	Smith.
Meachum.	Stone.
Murray.	Watson.

Absent.

Alexander.	Holsey.
Harbison.	Willacy.

Absent—Excused.

Looney.

(Lieutenant Governor Davidson in the chair.)

Action then recurred on the motion to table the substitute, which motion to table was lost by the following vote:

Yeas—8.

Brachfield.	Grinnan.
Chambers.	Hudspeth.
Cunningham.	Terrell.
Griggs.	Veale.

Nays—17.

Barrett.	Murray.
Faust.	Paulus.
Green.	Senter.
Greer.	Skinner.
Harper.	Smith.
Kellie.	Stokes.
Masterson.	Stone.
Mayfield.	Watson.
Meachum.	

Absent.

Alexander.	Holsey.
Glasscock.	Willacy.
Harbison.	

Absent—Excused.

Looney.

Senator Meachum then withdrew his amendment, and the substitute by Senator Skinner became the amendment, and the same was adopted.

Senator Skinner moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

Senator Chambers offered the following amendment:

Amend by striking out all of line 16, page 4, after the word "be," and insert in lieu thereof the following: "In attendance."

Senator Chambers moved the previous question on the amendment and the bill, which motion being duly seconded, and the motion was lost by the following vote:

Yeas—7.

Barrett.	Grinnan.
Brachfield.	Terrell.
Chambers.	Veale.
Cunningham.	

Nays—19.

Faust.	Meachum.
Glasscock.	Murray.
Green.	Paulus.
Greer.	Senter.
Griggs.	Skinner.
Harper.	Smith.
Hudspeth.	Stokes.
Kellie.	Stone.
Masterson.	Watson.
Mayfield.	

Absent.

Alexander.	Holsey.
Harbison.	Willacy.

Absent—Excused.

Looney.

Senator Senter offered the following amendment to the amendment:

Amend the amendment by adding thereto at the end thereof the following: "Whenever he shall go outside the county of his residence to attend court."

Senator Glasscock offered the following substitute for the pending amendments:

"Amend by striking out all of Section 6 after the word "involved," in Section 6, line 10, page 4, and further amend by inserting after the word "of," in line 16, page 4, in Section 7, the following words: "All criminal."

ADJOURNMENT.

On motion of Senator Smith, the Senate, at 6:25 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

PETITION.

Senator Glasscock presented to the Senate a petition numerously signed by citizens of Taylor and Round Rock, Williamson county, protesting against the reduction of railroad rates.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 45, A bill to be entitled "An Act to permit parties to civil suits in the district and county courts to specially plead the facts constituting their cause of action or defense,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

STONE, Chairman.

Following is the bill in full:

S. B. No. 45. By Hudspeth.

A BILL

To Be Entitled

An Act to permit parties to civil suits in the district and county courts to specially plead the facts constituting their cause of action or defense.

Section 1. Be it enacted by the Legislature of the State of Texas: That the plaintiff or defendant or other party to a civil action in the district or county court may specially plead under oath the facts constituting his cause of action or defense, and when either party files such special pleading the other parties to said action shall plead thereto under oath, and all facts pleaded by either party under oath which are not denied by the other party under oath shall be taken as admitted.

Sec. 2. The fact that there is now no statute authorizing parties to civil actions in the district and county courts to specially plead the facts, and the near approach of the close of the special session, creates an emergency and imperative public necessity requiring bills to be read on three several days to be suspended, and said rule is suspended, and

this act shall go into effect from and after its passage.

Committee Room,
Austin, Texas, May 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 58, A bill to be entitled "An Act to create a Judiciary Commission to prepare and submit to the Thirty-first Texas Legislature drafts of constitutional amendments and bills and measures for the improvement of the judiciary system and court procedure of Texas,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

(Floor Report.)

Committee Room,
Austin, Texas, May 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

Senate bill No. 62, A bill to be entitled "An Act appropriating the sum of \$7000, or so much thereof as may be necessary, to pay the mileage and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature, and declaring an emergency,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Harper, Skinner, Green, Paulus, Murray, Faust, Master-son.

(Floor Report.)

Committee Room,
Austin, Texas, May 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

Senate Concurrent Resolution No. 2, as follows:

Be it resolved by the Senate, the House of Representatives concurring, That the Comptroller be and is hereby authorized to draw warrants to pay the balance due and to become due to members, officers and employes of the Regular Session of the Thirtieth Legislature

out of the appropriation made to pay the per diem pay of members and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature.

Sec. 2. The near approach of the end of the session creates an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted,

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Harper, Skinner, Green, Paulus, Murray, Faust, Master-son.

(Floor Report.)

Committee Room,
Austin, Texas, May 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

Senate bill No. 60, A bill to be entitled "An Act to amend an act of the Thirtieth Legislature of Texas, Regular Session, approved April 25, 1907, entitled 'An Act to amend Chapter XCIV, page 119, of the Acts of the Twenty-eighth Legislature, entitled "An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict herewith, by adding to said law Section 18, concerning punishment for violation thereof, Section 19 with reference to venue, Section 20 with reference to the duties of district and county attorneys and the Attorney General, and Section 21 concerning fees, and declaring an emergency,"' by adding to said Chapter XCIV, page 119, of the Acts of the Twenty-eighth Legislature, Sections 19, 20, 21 and 22; said Section 19 defining, prohibiting and declaring illegal trusts, monopolies and conspiracies in restraint of trade, providing criminal prosecutions therefor, and fixing the punishment and penalties for violations of said Chapter and of this act; Section 20 fixing venue for criminal prosecutions and providing that such prosecutions shall not bar a

prosecution of or recovery against any other person or persons for the same offense; Section 21 defining the powers and prescribing the duties of county and district attorneys of this State, and of the Attorney General, under his act; and Section 22 fixing the fees of the county and district attorneys for prosecutions under this act, and apportioning such fees between such county and district attorneys, and providing that this act shall not repeal said Chapter XCIV, Acts of the Twenty-eighth Legislature of Texas, and that this act shall be cumulative thereof, and declaring an emergency."

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Acting Chairman; Watson, Stokes, Meachum, Paulus, Smith, Greer.

(Floor Report.)

Committee Room,
Austin, Texas, May 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

Senate bill No. 59, A bill to be entitled "An Act to amend Sections 2, 3 and 4 of an act passed by the Thirtieth Legislature of the State of Texas, and approved April 30, A. D. 1907, entitled 'An Act to amend an act entitled an act to amend Section 1 of an act entitled an act to amend an act to amend an act entitled an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorney in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 24, 1885; to create the Forty-third Judicial District of the State of Texas; fix the times for holding court therein and to provide for the appointment of a district judge for said district, approved March 30, 1887; to create the Forty-eighth Judicial District of the State to Texas; fix the times for holding court therein and to fix the times for holding court in the Seventeenth Judicial District of the State of Texas, and to provide for the appointment of a district judge of the said Forty-eighth Judicial District, passed by the Twenty-second Legislature of the State of Texas, approved February 6, 1891, and being Chapter 3 of the Gen-

eral Laws of Texas of 1891, and to create the Sixty-seventh Judicial District of the State of Texas; fix the times for holding the district courts in Tarrant county, Texas, and to define the jurisdiction thereof, and to provide for the venue of causes in said courts, and to provide for the appointment of a district judge for the Sixty-seventh Judicial District of Texas, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and we report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Griggs, Huds-peth, Harper, Veale, Murray, Barrett.

(Floor Report.)

Committee Room,
Austin, Texas, May 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

House bill No. 67, A bill to be entitled "An Act to amend Sections 5 and 6 of Chapter CIII, passed by the Regular Session of the Twenty-ninth Legislature of the State of Texas, and approved April 15, 1905, relating to the sale and lease of the land belonging to the public free school and asylum funds, and to add thereto Sections 6a, 6b, 6c, 6d, 6e, 6f, 6g and 6h, relating to the sale, settlement and residence on land sales without residence, sale of timber, sale for cash or on time, transfers, forfeitures, reservation of minerals, guayule, lechuguilla and sotol, and providing a penalty for cutting or removing such substances from the land, certificates of occupancy to become muniments of title, authorizing the Commissioner to adopt rules and regulations necessary to execute the provisions of this act, repealing all laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendment, and be not printed.

Strike out all after the enacting clause and insert in lieu thereof of the committee substitute, which is Senate bill No. 42, with committee amendments.

Section 1. Sections 5 and 6, Chapter 103, approved April 15, 1905, shall be

amended so as to hereafter read as follows:

Rights of Lessees.

Sec. 5. An original lessee of a lease executed after April 19, 1901, and prior to April 15, 1905, who has never parted with any interest in his lease except by purchase, may purchase out of such lease in whole surveys only one complement of sections or such part thereof as will make his total purchase since April 19, 1901, not exceed eight or four sections, according to the county; only one complement shall be sold out of any lease including that theretofore sold out of it. One who desires to buy land out of his lease shall first give written notice to the Commissioner of the General Land Office and specify the land he wants to buy not less than sixty days prior to expiration of the lease. The Commissioner shall make or cause to be made an inspection of the land, if he is not already in possession of sufficient information, and appraise same at its reasonable market value, and advise such person and the proper county clerk of the value placed thereon. Thereafter the land shall be subject to sale to the lessee only during the life of the lease. After a lease expires or is canceled, no one shall have any preference to purchase any land contained therein.

Eight-Section Counties—Complement of Land.

Sec. 6. One who has not purchased and land since April 19, 1901, may purchase on condition of settlement in the counties of Brewster, Crockett, Edwards, Kinney, El Paso, Jeff Davis, Pecos, Presidio, Sutton, Terrell and Val Verde not to exceed eight sections of 640 acres each more or less, which are wholly within said counties. One who has heretofore or may hereafter purchase a complement as aforesaid shall not purchase any more. One who has purchased or may hereafter purchase on condition of settlement four sections of 640 acres each, more or less, wholly or partly within any county other than those hereinabove named since said date, shall not purchase any more on condition of settlement. One who has purchased less than a complement as aforesaid may hereafter purchase in any county such number of sections as his lack of a complement in the county of the former purchase bears to a complement in the county of such former purchase. One who has heretofore purchased land on condition of settlement

which lies partly within an eight-section county and partly within a four-section county shall be considered for the purpose of future purchase by him as having purchased in a four-section county. Every additional survey applied for shall be situated within five miles of the designated home tract except the survey on which the lessee, who may apply to buy out of his lease, may have placed permanent and immovable improvements of the value of \$500, need not be within such radius. No survey shall be sold in any county except as a whole, notwithstanding it may be leased in two or more parts.

Sec. 2. Add thereto Sections 6a, 6b, 6c, 6d, 6e, 6f, and 6g, as follows:

Settlement and Residence.

Sec. 6a. All of the surveyed school land wholly or partly within the counties of Andrews, Brewster, Cameron, Crane, Crockett, Dimmit, Duval, Ector, Edwards, El Paso, Gaines, Hidalgo, Jeff Davis, Kimble, Kinney, LaSalle, Loving, Maverick, McMullen, Midland, Pecos, Presidio, Reeves, Starr, Sutton, Terrell, Terry, Upton, Uvalde, Val Verde, Ward, Webb, Winkler, Yoakum, Zapata and Zavala shall be sold on condition of settlement as provided by this act and existing statutes, except tracts of one hundred acres or less shall be sold for cash. (The land purchased by one either for cash or on deferred payment without condition of settlement shall not be computed against him in his purchase on condition of settlement.) Every purchaser on condition of settlement shall in person reside continuously on either the designated home tract or on some portion of the land purchased as additional thereto for three consecutive years next succeeding the date of the award of the home tract or from the date of the award of the first tract as additional to a home already owned, as the case may be, including the ninety days allowed to settle. The proof of such settlement and residence shall be made as now provided by statute.

Sales Without Settlement.

Sec. 6b. The surveyed school and asylum land and the timber thereon situated wholly within any county other than those named in the preceding section and which is now unsold shall be advertised and subject to sale on November 1, 1907, and not before, and to the one offering the most therefor and in whole tracts only. On said date the

said land and timber thereon shall be subject to sale and remain until sold. The said land shall be sold in whole tracts only without condition of settlement or limit as to quantity and either for cash with the right to patent at once or for one-fortieth cash with 5 per cent interest on the deferred payment, together with all the pains and penalties of forfeiture for non-payment as is now or may hereafter be provided by law. When any such purchase is fully paid for the land may be patented. No land on which there is merchantable timber shall be sold until the timber is sold for cash and fully paid for. Should two or more applicants offer the same price for any tract on the same date, the same being the highest price offered, and one should offer full cash payment and another should offer one-fortieth cash payment and balance on time, the application on deferred payment shall be accepted. Such of the land in the counties included within this section as is now sold but which may hereafter become subject to sale shall not be subject to sale until the former sale shall have been canceled and the land and timber, of any, thereon, shall be reappraised by the Commissioner and a date fixed, not more than sixty days from the date of such cancellation, when it may be subject to sale to the one offering the highest price therefor. Notice of such cancellation and reappraisal shall be mailed to the proper county clerk, together with the date when the land and timber, if any, will be subject to sale.

Timber and Land.

Sec. 6c. One who applies to purchase the timber shall file his application in writing in the General Land Office in the manner now provided for the filing of applications for the purchase of land, and pay to the State Treasurer the full cash payment according to the price offered therefor, but not at a less price than that fixed by the Commissioner. Should two or more persons each apply to purchase the timber and land on the same day and one shall offer more for the timber but less for the land than a competitor, then the one offering the highest price for the timber shall have an option for thirty days, as now provided by law for designating home tracts, to take the land at the highest price offered by such competitor. Should the one offering the highest price for the timber not want the land at such highest price, but should want the tim-

ber, it shall be awarded to him. Should one who applies for both timber and land offer the highest price for the land, but a lower price for the timber, he shall have an option of thirty days as aforesaid to purchase the land, if it should not be purchased by the one who offers the highest price for the timber and the lesser price for the land not want the land at such higher price, nor should he exercise his option by purchasing the timber alone, then the land and timber shall be awarded to the one offering the highest price for the land and next highest price for the timber. The Commissioner shall appraise all timber at its reasonable market value and it shall not be sold at a price less than that so fixed by him. Should two or more applications for timber alone be filed on the same day, the one offering the most therefor shall be accepted. All timber shall be sold in full tracts. The purchaser of timber without the land shall have the right of ingress and egress upon the land for a period of five years after date of award for the purpose of removing or protecting the timber thereon, and the purchaser shall be entitled to all the timber thereon for that period and no longer. After that time the title to the timber shall revert to the fund to which the land belonged and be again subject to sale by the State unless the land shall sooner be sold and fully paid for and patent issued thereon, and in that event the timber shall revert to the owner of the land. The owners of timber heretofore purchased which has not been removed, and the five years in which to remove same or to purchase the land have not expired, but may expire on or before November 1, 1907, may purchase the land on that date at the price fixed by the Commissioner and without condition of settlement either for cash or on deferred payment with 5 per cent interest as provided in this act for other purchasers without settlement. In case the five years do not expire before said date, only the owner of the timber shall have the right to purchase the land as herein provided at any time prior to the removal of the timber and within the five years allowed in which to remove same. Land on which timber has heretofore been sold and the timber has been or may be removed or the five years should have expired and the land not purchased by the owner of the timber, shall not be sold until it is reclassified and reappraised by the Commissioner and a date fixed not more than sixty days after

such action for the sale thereof. Notice of such action and date fixed for sale shall be mailed to the proper county clerk.

Transfers.

Sec. 6d. One who hereafter buys land on condition of settlement shall not sell any part of such purchase prior to one year after date of award on the home tract, nor prior to one year after the date of the award of the first additional tract purchased to a formerly acquired home unless the required residence has sooner be completed. After the lapse of the time aforesaid, the purchaser may sell all of his land or any part thereof in whole tracts according to his purchase to another qualified purchaser who will become an actual bona fide settler on same part thereof at date of his transfer if the residence is not complete and such assignee shall complete the residence on the land by continuous residence thereon as required of his vendor, and if the vendor does not sell all of his purchase he shall continue to reside upon his home tract or on some part of that retained until the completion of the residence required of him. A purchaser on condition of settlement under this act or any former law who may have the right to sell his land or a part of it may sell his whole home tract or one or more of his additional tracts as a whole according to his purchase to another purchaser who owns a designated home tract within five miles of each of such tracts as he may purchase as assignee, and the assignee may take each of the tracts as additional to his own designated home tract. In such cases the assignee shall continue to reside in person upon either his formerly designated home tract or on one of his formerly acquired additional tracts, or on one of his additional tracts purchased as assignee, continuously until the completion of the residence required of him under his former purchase and that of his vendor. No tract hereafter purchased shall be transferred except as a whole prior to the issuance of patent thereon, but should a transfer of less than a whole tract be made after the purchaser has the right to sell in whole tracts under the provisions of this act, such transfer shall not be void, but the owner shall be substituted as assignee on the records of the Land Office nor recognized on the accounts kept by the State Treasurer. The failure to pay the interest on the whole of such tract shall

operate as a forfeiture of every part thereof.

General Provisions.

Sec. 6d. One who has heretofore or who may hereafter purchase land out of a lease or otherwise on condition of settlement in the counties named in Section 6a of this act and fails to settle thereon within the required time or fails to file in the Land Office his affidavit of settlement within the required time, or fails to comply with the law as to residence on the land or executes a transfer contrary to the provisions of this act, except those stated in this act as law as to residence on land, or executes a transfer contrary to the provisions of this act, except those stated in this act as not being void, he shall forfeit the land and all payments made thereon to the fund to which the land belongs, and when the Commissioner shall be sufficiently informed of the facts which operate as a forfeiture he shall cancel the award of sale by noting the act of forfeiture of the obligation, and mail notice of that fact to the proper county clerk. Such land shall not be subject to sale again at a less price than the former sale price, unless the Commissioner shall have reappraised the land at a less price after noting the act of forfeiture.

All applications for the purchase of land without settlement and either for cash or on deferred payment shall be in writing and accompanied by the affidavit of the applicant that he desires the land for his own benefit and not for any other person or corporation. An application for deferred payment shall be accompanied by the obligation on the balance of the purchase money conditioned as now provided by statute. No application shall be considered if the cash payment is not in the State Treasury as now provided by law. If for any cause an application for land or timber which offers the highest price can not be accepted, those offering the next highest price and filed on same day shall be considered in their order of price until one may be awarded.

All surveys and unsold portions of surveys shall be sold as a whole. All unsurveyed tracts of 640 acres or less shall be sold as a whole and all tracts of more than 640 acres shall be sold in such tracts as may be required or approved by the Commissioner. No one shall hereafter have any preference to purchase any unsurveyed land except as

provided in this act for original lessees out of leases.

All tracts containing one hundred acres or less wheresoever situated shall be sold for cash and without condition of settlement.

All applications to purchase land, under any preference right which were filed in the Land Office prior to the taking effect of this act shall be accepted.

No corporation shall purchase any land under the provisions of this act.

Minerals, Guayule and Lechuguilla Reserved.

Sec. 6f. The land which is now or may hereafter be classed as mineral, also the land on which there is now or may hereafter be any guayule and lechuguilla may be sold for agricultural and grazing purposes, but all such sales of such land shall be upon the expressed condition that the minerals, guayule and lechuguilla, shall be and are reserved to the fund to which the land belongs, and such reservation shall be stated in all applications to purchase; provided,

Should any person who has no authority or right to do so cut or remove any mineral, guayule or lechuguilla from the land belonging to the free public school fund he shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than \$10 nor more than \$1000, and in addition thereto judgment shall be rendered against the defendant in behalf of the State in a sum of money equal to the value of the substance so cut or removed, which shall be collected as under execution, and when collected the money shall be remitted to the State Treasurer and by him credited to the fund to which the land belongs. The Commissioner shall adopt all the necessary rules and regulations for the execution of the several provisions of this act.

Certificates of Occupancy.

Sec. 6g. If a proof of occupancy has heretofore been or should hereafter be filed in the General Land Office, in accordance with the statute under which the purchase was made, and it should be approved by the Commissioner by the issuance of a certificate of its sufficiency, the said certificate may be recorded in the office of the clerk of the county or counties in which the land is situated and shall thereafter be a muniment of title of the home tract and additional land purchased to such home tract.

Sec. 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 4. The fact that the law providing for the sale of land out of leases to assignees is an unjust discrimination against the public, and the fact that the substances mentioned in this act as being upon the public free school land and reserved to the school fund should have some protection at the earliest practicable date, creates an imperative public necessity and an emergency exists that the constitutional rule requiring bills to be read on three several days be suspended and this bill be placed upon its third reading and final passage and take effect from and after its passage, and it is so enacted.

Amend by adding after the word "county," in seventh line, Section 5, page 1, the following: "Provided, an original lessee, who has not heretofore exercised his right to buy one complement of sections out of one or more leases, and should not hereafter desire to do so, may assign one or more leases to a qualified purchaser and his assignee shall have the same right to purchase out of the leases one complement of sections, or such number thereof as the assignor may be qualified to purchase or such number as the assignee may be qualified to purchase.

By adding Section 6d, after the word "tract," and preceding the sentence beginning with the words "In such cases the assignee shall continue to reside," the following: "Provided, the total tracts so purchased by an assignee prior to the completion of the residence of the vendor, together with the former purchase of the assignee, shall not exceed one complement of sections."

MURRAY, Chairman.

(Floor Report.)

Committee Room,
Austin, Texas, May 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 61, A bill to be entitled "An Act to amend Sections 2 and 3, of an act passed by the Regular Session of the Thirtieth Legislature, entitled 'An Act to authorize, enable and permit the territory within the boundaries of the town of Estelline, in Hall county, Texas, and other lands and territory adjacent thereto to incorporate as

an independent school district for free school purposes only, to be known as Estelline Independent School District, with all the powers, right and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, and be not printed.

Barrett, Chairman; Harper, Green, Grinnan, Kellie, Senter, Meachum, Paulus, Glasscock.

Committee Room,
Austin, Texas, May 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 48, A bill to be entitled "An Act to amend Article 1092, Chapter 2, Title 15, of the Code of Criminal Procedure of the State of Texas, relating to fees of county and district attorneys in examining trials, and declaring an emergency,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, May 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 59, A bill to be entitled "An Act to amend Sections 2, 3 and 4, of an act passed by the Thirtieth Legislature of the State of Texas, and approved April 30, A. D. 1907, entitled 'An Act to amend an act entitled an act to amend Section 1 of an act entitled an act to amend an act to amend an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 24, 1885; to create the Forty-third Judicial District of the State of Texas; fix the times for holding court therein, and to provide for the appointment of a district judge for said district approved March 30, 1887; to create the Forty-eighth Judicial District of the State of Texas, fix the times for holding

court therein and to fix the times for holding court in the Seventeenth Judicial District of the State of Texas, and to provide for the appointment of a district judge of the said Forty-eighth Judicial District, passed by the Twenty-second Legislature of the State of Texas, approved February 6, 1891, and being Chapter 3 of the General Laws of Texas of 1891, and to create the Sixty-seventh Judicial District of the State of Texas, fix the times for holding the district courts in Tarrant County, Texas, and to define the jurisdiction thereof, and to provide for the venue of cases in said courts, and to provide for the appointment of a district judge for the Sixty-seventh Judicial District of Texas, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, May 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 55, A bill to be entitled "An Act to amend an act passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to provide for a board to calculate State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties in this State,' providing that said board shall also calculate the ad valorem rate of taxes for public free school purposes and also authorizing the commissioners courts of the several counties of this State to calculate the rate and to adjust the taxes levied in the several counties or portions thereof, for general or special purposes to the taxable values as shown on the assessment rolls, and declaring an emergency,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, May 3, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 10, "An Act to amend Article 975, Chapter 8, Title XXVII, of the Revised Civil Statutes of Texas, con-

cerning judgments of the Supreme Court, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 975, Chapter 8, Title XXVII, of the Revised Civil Statutes, be and is hereby so amended as hereafter to read as follows:

Art. 975. Whenever the Supreme Court on the trial of a cause brought from any Court of Civil Appeals shall affirm the judgment or decree of such court, or when said court shall proceed to render such judgment or decree as should have been rendered by the Courts of Civil Appeals and such judgment shall be for the same or a greater amount, or of the same nature as rendered in the court below, said Supreme Court shall render judgment against plaintiff in error and his sureties on his bond, a copy of which shall always accompany the transcript of the record. If the judgment of a Court of Civil Appeals shall be reversed, the Supreme Court may remand the case to the Court of Civil Appeals from which it came for another trial, or the district court, as to the Supreme Court may seem proper.

Sec. 2. The crowded condition of the calendars of both houses and the inadequacy of any law of this State on the subject matter of this bill, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is so done, and that this act take effect from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 3:10 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, April 18, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 7, "An Act making appropriation to defray the contingent expenses of the First Called Session of the Thirtieth Legislature of the State of Texas, convened April 12, 1907, by proclamation of the Governor,"

And find it correctly enrolled, and have this day, at 4:20 o'clock p. m., presented same to the Governor for his approval.

HOLSEY, Acting Chairman.

Committee Room,
Austin, Texas, April 18, 1907.
Hon. A. B. Davidson, President of the
Senate.

Sir: Your Committee on Enrolled
Bills have carefully examined and com-
pared

Senate bill No. 6, "An Act making
appropriation to pay the per diem of

members and per diem of officers and
employes of the First Called Session of
the Thirtieth Legislature of the State of
Texas, convened April 12, 1907, by
proclamation of the Governor,"

And find it correctly enrolled, and
have this day, at 4:20 o'clock p. m., pre-
sented same to the Governor for his ap-
proval.

HOLSEY, Acting Chairman.

REPORT
OF THE
TEXAS COMMISSIONERS
FOR THE PROMULGATION
OF THE
PAN-AMERICAN
COLLEGE OF COMMERCE,

(THE HANDMAID OF THE PANAMA CANAL)

REPORTING TO THE
THIRTIETH LEGISLATURE,
STATE OF TEXAS

(May 6, 1907.)

THE TEXAS COMMISSIONERS.

SENATORS.

Geo. B. Griggs, President.....Houston.
Jno. G. Willacy, Vice-President.....Corpus Christi.
Marshall Hicks.....San Antonio.
A. B. Davidson.....Cuero.
W. A. Hanger.....Fort Worth.

REPRESENTATIVES.

Jno. F. Onion, Secretary and Treasurer.....San Antonio.
W. L. Blanton.....Gainesville.
J. L. Peeler.....Austin.
Edward F. Harris.....Galveston.
J. T. Canales.....Brownsville.

REPORT
OF THE
TEXAS COMMISSIONERS
FOR THE PROMULGATION
OF THE
Pan American College of Commerce,
together with
SUGGESTIONS AND RECOMMENDATIONS AS TO THE AD-
VISABILITY OF EXTENDING THE WORK OF PRO-
MULGATION TO THAT OF A NATIONAL
AND LATER AN INTERNATIONAL
SCOPE.

AUSTIN, TEXAS, May 6, 1907.

To the Hon. A. B. Davidson, President of the Senate, and Hon. Thomas B. Love, Speaker of the House.

SIRS: We, your Commissioners appointed by the Twenty-ninth Legislature under and by authority of a concurrent resolution passed by that body, and to whom was delegated the responsible and continuing duty of promulgating the proposed Pan-American College of Commerce, beg leave to submit the following report, suggestions and recommendations:

The joint committee reporting to the Twenty-ninth Legislature made certain recommendations which were adopted by the Legislature and which, in a measure, outlined the work for your commissioners. Among the recommendations so made and adopted, are the following:

"(1) That a Texas Commission be appointed, as above suggested, for the promulgation of the projected Pan-American College of Commerce, in such manner as in its judgment may seem best.

"(2) That Texas Senators and Representatives in Congress be memorialized and requested to use their utmost efforts in behalf of this project.

"(3) That the various commercial and civic organizations of this State be requested to lend all possible aid and encouragement to this movement," etc., etc.

With the foregoing suggestions before us, your commissioners convened in the city of San Antonio, June 12, 1905, for the purpose of organizing and inaugurating the work. From the minutes of that meeting we here quote the following extracts:

"By virtue of the authority vested in us, as commissioners appointed by the Twenty-ninth Legislature of the State of Texas, we have assembled on this 12th day of June, 1905, in the historic city of San Antonio, Texas, for the purpose of organizing so as to more effectually carry on the work for which this commission was created. Those present are, A. B. Davidson, Jno. G. Willacy, Geo. B. Griggs, Jno. F. Onion, Jno. L. Peeler, W. L. Blanton, Marshall Hicks, W. A. Hanger, and J. T. Canales.

"After due deliberation, and by unanimous vote, the following officers were elected:

"President, Geo. B. Griggs.

"First Vice-President, Jno. G. Willacy.

"Secretary and Treasurer, Jno. F. Onion.

"The following committees were appointed:

"Finance—Jno. L. Peeler, Jno. G. Willacy, Marshall Hicks.

"Conventions—W. L. Blanton, Ed. F. Harris, J. T. Canales.

"Federal Legislation—Geo. B. Briggs, A. B. Davidson, Jno. F. Onion, W. L. Blanton, W. A. Hanger."

At this meeting the commissioners outlined the work in accordance with the recommendations of the Legislature. The following address to the people of Texas was promulgated through the State press:

"TO THE COMMERCIAL AND INDUSTRIAL INTERESTS OF TEXAS:

"We, the Texas Commissioners for the Pan-American College of Commerce, appointed by the Twenty-ninth Legislature under resolution adopted, do hereby submit the following:

"First. The trade of the Southern half of the Western hemisphere is diverted to England, Germany and other European countries.

"Second. This trade naturally should come to the United States, and would, were a closer relationship established between the United States and Mexico, Central and South America.

"Third. This can be done through the instrumentality of the proposed Pan-American College of Commerce, where the young men of the southern countries may receive a commercial education in the United States, equipping them as competent representatives of our industries in their own country, and where our own sons may be instructed in the languages, customs and needs of the people of Latin-America, and by contact and closer associations they may unite the Western hemisphere in one common bond of social and commercial interest.

"Texas cotton, manufactured in Europe, finds a ready market in Latin-America. Texas cotton *should be manufactured in Texas* and the Latin-American markets of consumption reached and controlled from Texas. Recent experiments prove that, within the boundaries of Texas are found conditions equaled nowhere else on earth except at Manchester, England, for the manufacture of the finest cotton cloths.

"Nine-tenths of the sons of Latin-America, educated abroad, are educated in Europe, where ties are formed that finally connect the commercial interests of the two hemispheres. Why not secure this magnificent trade by educating the sons of our Southern neighbors in Texas? This will be done somewhere on our Southern border. Trade will follow the path blazed by an understanding of our mutual needs. Texas should secure it. We have the opportunity and should grasp it. It is

ours by every law of advantage in location, production or otherwise, and we should not delay in making it secure.

"Every portion of Texas is interested in the earliest realization of the manifest destiny of our imperial State and hopes of our people. Our real greatness will never be realized until we manufacture, within our own borders, the raw material of which our soil is so bounteously prolific. The value of our timber will be enhanced by a new market. Our manufactories, already established, may find a new market for their products, and the same field will give a new meaning to the prosperity of our railways. It remains for our own people to decide.

"With this purpose in view, we ask that the several Boards of Trade, Business Men's Leagues, or commercial bodies of our Texas cities and towns, as well as the managers of our great industries, manufacturing and commercial bodies, send delegates or representatives to a State convention of business men, to be held in the city of Austin, Texas, on the 10th day of July, 1905, which is hereby called. Please correspond with the president, at Houston, or the secretary, at San Antonio, for further particulars.

"Yours for Greater Texas, and
The Pan-American College of Commerce,

"GEO. B. GRIGGS, President,
"JNO. G. WILLACY,
"A. B. DAVIDSON,
"MARSHALL HICKS,
"W. A. HANGER.
"JNO. L. PEELER,
"W. L. BLANTON,
"ED. F. HARRIS,
"J. T. CANALES,
"Commissioners."

"JNO. F. ONION, Secretary.
San Antonio Texas.

Austin Convention.

The Austin convention on July 10, 1905, was fairly attended by the business and commercial interests of Texas. An address by William Wittman, Jr., editor of the American Cotton Manufacturer, of Charlottesville, Va., was well received. We quote the following extracts therefrom:

The Address.

"GENTLEMEN: The subject which you have met to consider is one of great importance to the future commercial prosperity of our country. For many years American commercial, financial and industrial organizations have recognized the need of a college of commerce, and they have voiced their convictions by resolution, as witness one favoring such an institution adopted unanimously by the ninth annual convention of the American Cotton Manufacturers' Association in May of this year.

"This meeting, so far as I know, is the first gathering to take practical steps to bring into being an admitted need of our economic system. Not much more than a decade and a half ago some of the lead-

ers in the cotton industry were vigorously advocating the need of textile schools. For many weary years their efforts seemed to be unavailing, yet have they not justified their position? There can be but one answer to this query. With Texas, Mississippi, Georgia, South Carolina, and North Carolina in the South, each with its State textile school, and Pennsylvania and Rhode Island in the North having like well equipped establishments, and with three such schools in Massachusetts, these industrial missionaries surely have cause for self-congratulation. Most of us already know the vast benefits these schools have been to our textile trades, and we also realize their greater future usefulness. The strongest argument which the advocates employed was that our greatest competitors in foreign markets, Great Britain and Germany, had enjoyed the advantages of a highly developed scheme of technical instruction for many years, and that these countries dominated the market of the non-manufacturing countries of the world, and, gentlemen, similar and equally potent reasons exist at this time for the establishment of a Pan-American College of Commerce.

"European nations long ago learned that foreign commerce was a subject to be systematically studied, just as much as any other profession, and they provided facilities for imparting an education of this sort. Today we are sadly behind them in this particular, and from a somewhat extended personal experience both at home and abroad, I can assure you that the ignorance of our merchant class is a serious handicap to the growth of our exterior trade. Once provide the opportunity and there will be no dearth of young men to take up commercial studies. We often hear it said that we need a bigger American merchant marine, and this is indeed true. But you must not forget in any discussion of the question that ships must have cargoes both ways, if they are to be profitable ventures to their owners. To illustrate this point, and using values instead of weights, last year we sold to Central and South America \$162,000,000 worth of merchandise of every kind, but in the same twelve months we bought from them wares valued at \$287,000,000. Now it is evident that under such a one-sided arrangement vessels coming to our ports with full cargoes would have to return only half-laden; and such a state of affairs would obviously be against that *sine qua non* of commercial expansion,—cheap transportation. A college of commerce would have three main functions. First, the educating of our young men to hold their own in the strenuous commercial competition of the world's market. Second, to turn out men properly qualified to act as our consular representatives in foreign countries, and third, to attract to such an institution those who will one day be the managers of the commercial houses in foreign countries. We have every natural advantage a nation could ask for, but to command success we must supplement nature by providing those requisites which long experience has taught are essential to commercial supremacy. It is not so much to our credit to point to our exports of raw materials; on the contrary, we should feel some degree of shame that a people producing this wealth of soil and mine, and being admitted leaders in mechanical ingenuity and aptitude, should send to our next-door neighbors so little of finished goods and so much of raw materials. With the prospects the future may be made to give us, can we afford to let pass anything which will help? Much less can we hesitate to put forth every effort to bring into

being the college of commerce, which will equip the army we must send out to fight in the mighty wars of trade."

Miscellaneous.

A resolution was also adopted requesting all Texas delegates to the Trans-Mississippi Congress—to convene in Portland, Oregon, in August—to use all efforts to have passed a resolution endorsing the project of a Pan-American College as contemplated by the resolution of the Twenty-ninth Legislature. Commissioner Harris being in attendance upon the Congress at Portland, procured the endorsement of that convention.

Among the questions discussed but held over for action at subsequent meetings was the advisability of holding a Southern States convention, and that of the extension of the executive committee to include prominent citizens residing outside of Texas.

Just as the session of the convention was closing, the following telegrams were received by Chairman Griggs:

"New York, July 10.—I am heartily in sympathy with the work you have undertaken in the establishment of a Pan-American College of Commerce in Texas, which will greatly aid the commercial relations between the United States and the Latin-American countries. There will be some expense incurred in properly placing the matter before the public, and, as there is no appropriation for this purpose, it must be through subscription. I think not less than \$10,000 should be available, and if others regard it in the same light, I should be glad to contribute \$1000 toward its inauguration.

B. F. YOAKUM,

"Chairman Frisco Executive Board."

"Corpus Christi, July 10.—Please convey to the convention my sincere regrets because of my inability to participate in its deliberations. I regard the Pan-American College agitation the most important movement that has yet been undertaken to advance the industrial greatness of Texas. American commercial supremacy must extend southward to the Latin nations of Central and South America, and Texas is the natural gateway. We should prepare for the opportunity which is at hand. The Gulf coast country of Southwest Texas is the logical geographical location for the Pan-American College, which shall so admirably serve the purpose.

WILLIAM DOHERTY,

"General Passenger Agent St. Louis,
Brownsville and Mexico Railroad."

It was suggested by Senator Jno. G. Willacy that the work of the Commission, while of immeasurable benefit to the State, has so far been carried on at the individual expense of the members of this Commission; but, as stated by Mr. Yoakum, it will require much time and work to bring the enterprise to a tangible shape. That it may be presented properly and brought to a successful conclusion, the following resolution was offered and adopted:

"*Resolved*, That the President of the Commission is hereby requested to address the various boards of trade or other commercial bodies, as well as the commercial and industrial interests, including the railways affecting Texas, setting forth the need of funds to carry on the work, to the end that the work may be prosecuted without delay and place Texas in the lead in the enterprise."

At Washington, D. C.

With a view of procuring consideration of the proposed institution at the conference of the delegates to the Congress of American Republics at Rio de Janeiro in July, Chairman Griggs visited Washington, D. C., in April and May, 1906, and, after consultation with our Texas Congressmen, the following joint resolution by Hon. Jno. M. Moore, of the Houston District, was introduced in Congress and considered:

“Joint Resolution.

By Mr. Moore.

“Requesting the delegates from the United States to the Pan-American Congress to discuss thereat the proposition to establish in the United States a Pan-American College of Commerce.

“*Resolved*, By the Senate and House of Representatives of the United States of America, in Congress assembled, that with the view of adopting a method to promote and extend our commerce and cordial relations with all the countries of the Americas, the delegates from the United States of America to the Congress of the American Republics, to be held in July next, be requested to make every effort to procure discussion thereat of the proposition to establish in the United States a Pan-American College of Commerce, and to ascertain the views of all countries represented upon such proposition.

Section 2. That the Secretary of State of the United States of America be requested to use his good offices to promote the purpose herein set forth.”

A Press Notice.

“Washington, June 18.—Representatives Jno. M. Moore and George F. Burgess had a conference today with Secretary of State Root, relative to Mr. Moore’s resolution asking the incorporation in the program for the Pan-American Congress at Buenos Ayres this summer of a discussion of the proposed Pan-American College of Commerce in Texas. Secretary Root assured the Texas Representatives that, although the general program had been completed, he could secure a discussion of the subject under one of the sub-heads of the program. He expressed his pleasure that Texas has shown such interest in this matter, and said he would be glad to arrange for its discussion should the House pass Mr. Moore’s resolution. The matter is with the House foreign affairs committee, and with this assurance from Secretary Root, Mr. Moore hopes to get speedy action.”

Some Hard Facts.

We take pleasure in here quoting some extracts from reports of Hon. John Barrett, Director of the International Bureau of American Republics:*

“The time is at hand that calls for what might be termed a widespread Latin-American movement in the United States. The commercial, economic and social conditions of our Southern neighbors invite our

*United States Minister to Columbia, 1905-1906; to Argentina, 1904-1905, and Delegate of United States to Second Pan-American Conference, Mexico, 1901-1902.

immediate and particular attention. To say that it may be "now or never" with North American prestige and trade in Central and South America is not a statement of an alarmist or pessimist. It is a simple and logical conclusion drawn from a thorough study of the actual situation.

"There never was a period in the history of the relations of the United States with her sister American republics that afforded such combined opportunity and necessity as the present for the development not only of our moral influence, but of our commercial interests. On the other hand, there never was a time when European nations and business interests put forth such efforts, as they are now legitimately exerting, to increase their own prestige and trade in South America. Although the situation should be one of closest rivalry where the United States can and ought to win, if it does not give Europe too long a start, the advantage now is decidedly with the latter. There is no gainsaying the fact that Latin-America today is strongly inclined to be more sympathetic, in its actual likes and dislikes, with the Old World than with the United States, because of plain reasons of race, language and association which are further discussed later on. We may go on writing about trade opportunities until doomsday, but, if we do not get at the bottom of our relationship with Latin-Americans, we will never make the conquest of their markets and affections—an absolutely necessary combination for permanent good—which is the goal of our effort."

* * * * *

Latin America and the Far East Compared.

"If we study the exports and imports of the United States from all parts of the world, we find additional proof that we are not carrying on the trade with Latin-America that we ought to conduct. Only ten per cent (10%) of our huge total of exports went to Latin-America in 1905, although the latter's imports are valued at over one billion dollars; and only twenty per cent (20%) of our immense total of imports found their origin in that part of the world whose exports are valued at seven hundred and twenty million dollars.

"The markets of the Orient are of vast importance to the United States, but it can not be successfully contended that they will be permanently more valuable to us than those of Latin-America, just because the former at the present moment buys more from us than the latter. *If we had devoted one-third of the energy and spent one-tenth of the money in developing our interests in our sister republics that we have in the Far East, our trade with Latin America would be double what it is with the east coast of Asia.* The total value of the foreign commerce of Latin-America, having a comparatively small population, is far in excess of that of the Far East, north of Hong Kong, having an enormous population. Argentina, with only six million people, bought and sold more in 1905 than China with three hundred millions, or Japan with forty millions. The foreign commerce of Chile, whose population does not exceed three and one-half millions, was greater than that of Eastern Siberia, Korea, Siam, Indo China, and the Philippines combined, with a population of fifty millions.

European Interests Working Against Us.

"Considering the fact that Argentina is making startling progress and today has a foreign trade, with only six million people, which is greater than the entire foreign trade of Japan, and greater, moreover, than that of China, it is high time that we left no stone unturned to do everything in our power to compete with Europe. European nations, knowing that they already have us, as it were, 'on the hip,' are striving all the harder, by liberal subventions to present lines, to keep the United States out of the field.

Brazil's Close Relations With Europe.

"Our connections with Brazil are a little better than they are with Argentina, but are far from what they ought to be. Brazil has a larger area than the United States proper and is on the verge of an industrial boom that will astonish the world. The progressive capital of Brazil, Rio de Janeiro, now has a population of 800,000. It has ideal passenger, mail and express steamship connections with all European ports. *More people go from Brazil to Europe in one month than to the United States in the whole year. More people travel in luxurious vessels to Europe to make purchases—sometimes in one vessel—than to the United States in different vessels in six months.*

* * * * *

A Critical Time for the United States.

"This report is phrased in direct and earnest terms because the writer believes what he says. As suggested, he holds that the United States has reached a most critical period in its relations with Latin-America. What is done or accomplished during the next few years may determine forever the relative position of North American trade and prestige in Central and South America. The Pan-American Conference in Rio de Janeiro and the visit of Secretary Root to South America should awaken sufficient interest throughout the United States in this part of the world to inspire our people, in general, and our newspapers, our manufacturers, our merchants, our Congressmen, our travelers, and our students of foreign intercourse, in particular, to a new and active appreciation of the Latin-American republics.

Without half the reason we have for improving the opportunity, European commercial, financial and diplomatic interests, with commendable judgment and spirit which we can not criticise, but must admire, are alive to the situation and doing everything legitimately in their power to gain a hold of which they can not be dispossessed. They keenly realize the present and future possibilities of the material and economic exploitation of Latin-America, and they are leaving no stone unturned to gain the necessary advantages before the manufacturers and tradesmen of the United States suddenly become aroused to the situation and compete for its control.

* * * * *

Our Ignorance of Latin-America.

"How few North Americans realize that Latin American history during the last four centuries is replete with incident and event, names and

results that compare creditably with those of the United States, Europe, and Asia! How few know the names of the great heroes, statesmen, writers and scholars who have figured prominently in evolving the Latin-America of today! How few are aware that the principal countries and capitals of Latin-America have groups of eminent scholars, scientists and philosophers, as well as universities and professional schools, which are no less advanced than similar groups and institutions in the United States!

"How few North Americans, moreover, of high position in public life, in literary, scholastic and scientific circles, visit Latin-America and exchange courtesies with their fellow statesmen and students, as they do with those of Europe? *No greater blessing to Pan-American accord could now be bestowed than an exchange of actual visits and views of the leaders of Pan-American thought and education.*"

* * * * *

Among the many agencies that demand the attention of our people looking to the development or improvement of the social and commercial conditions existing between the United States and Latin-America, Mr. Barrett especially includes the following:

(1) Sending of business representatives or salesmen, who speak the languages, know the wants, needs, tastes, customs, habits and desires of the people of those countries.

(2) Inducing young Latin-Americans to come to our technical and professional schools and colleges, instead of going to those of Europe.

(3) Popularizing in the schools and colleges of our country the study of the Latin-American languages, history, institutions, etc.; also the habits, customs and usages of the Latin-Americans.

Visit Mexico.

For a number of years our sister republic, under the guiding influence and leadership of one of the greatest executives of the western hemisphere, President Porfirio Diaz, Mexico has experienced an unprecedented national prosperity. There has been a steady increase of Mexican students in the schools and colleges of the United States. Throughout the Republic of Mexico may now be found numbers of bright young business men, who were educated in the United States, acting as agents and representatives of our manufacturers and exporters. The results are, that within the last ten years our trade with Mexico has grown from 10 per cent to more than 60 per cent, as compared with Mexico's trade with Europe. The people of Mexico and of the United States have intermingled, intereducated and interchanged in business matters to the mutual benefit of both countries. As an indication of the kindly feeling of President Diaz, toward the proposed Pan-American College of Commerce, we quote here a letter to Commissioner Canales, as follows:

"City of Mexico, Mex., Oct. 16, 1906.—Mr. J. T. Canales, Brownsville. Dear Sir: Having been duly informed of your letter of the 11th inst., and in reply thereto, I will state that at first sight the project of which you speak to me appears very interesting, but I can not give you a definite opinion relative thereto until I shall have studied it in all its phases. When Senator Griggs arrives here and interviews the Secretary of Public Instruction with regard to his plan he will be given due at-

tention, and it will be my pleasure to see some practical results from their conferences. Very truly,

“PORFIRIO DIAZ.”

In November Chairman Griggs visited the republic and City of Mexico, for the purpose of conferring with the Minister of Public Instruction, Mr. Justo Sierra. Mr. Sierra cordially received our Commissioner and assured him of Mexico's fervent interest in any and all movements looking to closer and more friendly social and business relations between the sister republics.

It may be safely stated that the republic of Mexico will be among the first of the American countries to join in full accord with the movement for the institution of a great Pan-American College of Commerce.

A Magazine.

As a further method of promulgating the Pan-American College of Commerce, arrangements were made with Mr. A. B. Hulitt, President of the Latin-American Publishing Company of Chicago, Ill., whereby the project should be fully exploited and published both in Spanish and English in the magazines, “Latin-America” and “Agricola Revista,” published by that company, and circulated throughout the western hemisphere. Several issues of those magazines have contained splendid articles, well illustrated, promoting the college idea, with good results.

A Book.

Further, Chairman Griggs, for the sole purpose of interesting that class of people who read books of fiction, in this college idea, wrote and published, at his own personal expense a book, a work of fiction, entitled, “Norkoma,” into which was cleverly interwoven a full and complete concept of the proposed Pan-American College of Commerce. Copies of this book were sent, gratis, by Mr. Griggs, to many of the leading educators, business and public men throughout the United States and Latin-America. To the publication and distribution of this work too much credit can not be given for the marked and widespread interest manifested throughout the Americas in the question of closer commercial and social relations between the American countries. As an evidence of the interest manifested throughout our own country, we give here a single

Illustration.

At the present time, as this report is being prepared, we are reliably informed that Dr. William R. Shepherd, of Columbia University, New York, is preparing for a tour throughout Latin-America, his special mission being to encourage closer educational relations. That Professor Rowe, of the University of Wisconsin, and Professor Boise, of the University of California, are now in South and Central America on a like special mission. That representatives of other American schools and technical colleges are preparing, or have already started, upon similar missions. The illustration might be extended into other lines of action, but we think the above sufficient evidence of the widespread interest in the movement which was originated, fostered and promulgated by this Commission, and which movement we predict will ultimately result in

the consummation of the greatest commercio-educational institution the world ever knew.

What Washington Thinks.

The manner in which the movement has been received in Washington is reflected by the following letter from J. H. Metcalf, Secretary of the Department of Commerce and Labor, dated at Washington, D. C., June 24, 1905, addressed to our Chairman:

"Dear Sir: I have the honor to acknowledge receipt of your letter, together with a copy of the report of the joint committee of the Texas Legislature relating to the proposed Pan-American College, to be located in Texas. I am in hearty sympathy with all movements directed to the improvement, promotion and extension of our commerce and industries, and particularly with the movement for increasing the sales of our products of every description in foreign markets. My views on these points are somewhat fully stated in the address delivered before the National Association of Manufacturers held at Atlanta, Ga., May 18, last.

"I have no doubt that a trade school established on the lines and with the objects set forth in the report of your joint committee would be of incalculable value in promoting commercial as well as fraternal relations with our sister American republics.

"The Legislature of Texas is to be commended for taking the initiative in this movement. Texas and the entire Southwest section of our country is vitally concerned in the promotion of trade with foreign countries, and especially with those American countries south of us in whose markets there is a large and constantly growing demand for cotton and other natural and manufactured products of your State and section.

"The movement, therefore, for establishing a Pan-American trade college is timely and should receive earnest support from the people.

"Very respectfully,

"J. H. METCALFE, Secretary."

• *Our Gratitude.*

We acknowledge our debt of gratitude to the many friends of this movement throughout the Americas and bespeak for them their continued interest and assistance to the end that the final consummation of this great conception may be effected and in which there shall be sufficient glory and honor for all who have lent their smallest mite to the cause.

Jamestown Exposition.

Latin-America has been especially invited by the President of the United States and the management of the Jamestown Exposition to participate, and to exhibit their great natural wealth and products. Creditable displays from the Latin-American States will be made at Jamestown, and a splendid opportunity thus afforded for social intercourse and acquaintance of the American peoples. These conditions will no doubt be conducive to a better understanding of the needs of inter-education along the lines contemplated by the Pan-American Col-

lege plan, looking to a more profitable and mutual interchange of commerce.

In our opinion the Jamestown Exposition will indirectly aid in the promulgation of the project in hand.

Suggestions.

Among the recommendations of the special committee reporting to the Twenty-ninth Legislature, we find the suggestion that this Commission, if necessity require, be supplemented under appointment by the Governor, of additional commissioners. After two years of constant and pleasant effort upon the part of this Commission, we are of the opinion that the work of this Commission would probably be accelerated by a judicious selection of additional commissioners. Such additional commissioners should, however, be well distributed throughout the United States, with a view of bringing to the aid of our representatives in Congress that necessary influence to warrant the hope of early action by the Federal government. A wise selection of additional commissioners well distributed throughout the United States would, also, make more readily the realization of a national commission to be appointed under action of the Congress, and through the process extended, an international commission.

Under a wise distribution of such additional commissioners a national convention in aid of this movement would be the more readily obtainable. And, a national convention for this purpose would largely increase the impetus of the movement already under satisfactory headway.

The manifestation of a greater interest in this movement by our own public men and business interests would lend much encouragement to our Senators and Representatives at Washington.

It is already contemplated that a conference, at least, may be held at Jamestown, Va., in September next, by many of the friends of this movement from various points in the United States, and such conference may be participated in by some of the distinguished officials of Latin-America. Withal, the work of this Commission, it is hoped, is proving entirely satisfactory to those who have felt and shall continue to manifest an interest in the welfare of the project. In view of the facts and suggestions above given, we deem it proper to make the following

Recommendations.

We recommend:

(1) That the Governor of Texas appoint five supplemental commissioners at large, to be selected from the several States, to act in conjunction with the Texas Commission.

(2) That our Representatives and Senators in Congress be requested to use their best endeavors in behalf of this project.

(3) That the various commercial and business interests, and all citizens of Texas be memorialized to lend all possible aid and encouragement to this movement.

(4) That this full report be printed in the Legislative Record of both the House and Senate, as an appendix, and that one thousand extra copies of such appendix be printed for the use of the Commission,

the cost therefor to be paid out of the contingent expense fund of this Legislature.

(5) That whenever advisable, upon the advice and request of this Commission, the Governor of Texas be authorized in calling a conference of Governors of the American States, or otherwise arranging for a national convention in aid of the further promulgation of the proposed Pan-American College of Commerce.

Respectfully submitted,

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